

Message Text

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ORIGIN NEA-11

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DRAFTED BY NEA/PAB:DBARCHARD:SO
APPROVED BY NEA/PAB - JANE A. COON
EF/IFD:DGRANT (SUBS)
L/NEA:MPEAY

-----067582 111045Z /17

R 102239Z MAY 78
FM SECSTATE WASHDC
TO AMEMBASSY DACCA

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E.O. 11652:N/A

TAGS: EINV, CASC, BG, US

SUBJECT: FARROKH CAPTAIN

REF: (A) DACCA 2618; (B) DACCA 2369

1. FARROKH CAPTAIN CAME IN TO SEE BANGLADESH DESK OFFICER ARCHARD ON APRIL 26 ACCOMPANIED BY HIS NEW ATTORNEY MR. BONDERMAN, FROM THE FIRM OF ARNOLD AND PORTER. REPRESENTATIVES OF EB/IFD AND L/NEA SAT IN ON THE ONE HOUR MEETING. CAPTAIN GAVE US A CHRONOLOGY OF HIS CASE TO SUPPORT HIS CLAIMS AGAINST THE BANGLADESH GOVERNMENT. THIS GENERALLY ACCORDED WITH THAT SET FORTH IN REF B BUT, IN ADDITION, CAPTAIN NOTED THAT HE RESIDED IN THE US FROM 1961-1967 ON A STUDENT VISA. HE REPEATED HIS POSITION THAT HE BECAME A US NATIONAL IN 1967 BY OBTAINING PERMANENT RESIDENT STATUS. CAPTAIN ASSERTED THAT IN EARLY 1974 FARROKH CHEMICAL'S ALREADY NATIONALIZED CHITTAGONG PROPERTY WAS
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"RELEASED BY THE GOVERNMENT TO ITS OWNER" (I.E. CAPTAIN) FOR ONE WEEK ALTHOUGH CAPTAIN DID NOT ACTUALLY TAKE POSSESSION. REPORTEDLY, IT WAS THEN RENATIONALIZED. BONDERMAN THINKS THAT THIS SHORT-TERM RETURN OF POSSESSION MAY BE QUITE SIGNIFICANT IN ESTABLISHING CAPTAIN'S CLAIM TO PROTECTION UNDER U.S. LAW SINCE THE SUBSEQUENT RE-NATIONALIZATION OCCURRED AFTER HE BECAME A U.S. CITIZEN.

2. IN RESPONSE TO OUR INQUIRIES AS TO WHAT FORMAL CLAIMS HE HAS MADE, CAPTAIN SAID HE HAD DISCUSSED THE MATTER SEVERAL TIMES PERSONALLY WITH SHEIKH MUJIB AND HAD FOLLOWED UP WITH A LETTER TO MUJIB DATED JULY 3, 1975. THE ONLY RESPONSE TO THAT LETTER REPORTEDLY WAS A TELEGRAM FROM AMBASSADOR SIDDIQI DATED APRIL 28, 1976 WHICH REQUESTED THAT HE ESTABLISH HIS NATIONALITY AS OF MARCH 26, 1971 AND A LETTER DATED THE FOLLOWING DAY WHICH REPORTED THAT THE EMBASSY WAS LOOKING INTO THE MATTER.

3. WHEN ASKED IF HE WAS REPRESENTED BY AN ATTORNEY IN BANGLADESH, CAPTAIN STATED THAT HE THINKS ALL COMPETENT ATTORNEYS IN BANGLADESH WITH RELEVANT EXPERIENCE MAY HAVE SOME CONNECTIONS WITH OTHER INTERESTED PARTIES IN THE CASE AND HENCE HAVE DECLINED TO TAKE ON HIS CASE. WE POINTED OUT THE UTILITY OF HIS BEING REPRESENTED BY LOCAL COUNSEL SO THAT HE COULD MORE EFFECTIVELY PROTECT HIS INTERESTS AND PURSUE HIS LOCAL REMEDIES.

4. BONDERMAN REQUESTED THAT WE PERMIT HIM ACCESS TO THE FILES ON THE CASE. AFTER DISCUSSING IN GENERAL TERMS THE PROCEDURES FOR FILING FREEDOM OF INFORMATION REQUESTS, ARCHARD AGREED TO GIVE HIM AS MUCH INFORMAL ACCESS AS POSSIBLE TO UNCLASSIFIED AND ADMINISTRATIVELY CONTROLLED DOCUMENTS. ARCHARD AGREED TO REVIEW THE FILES WHEN TIME LIMITED OFFICIAL USE

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PERMITS AND TO COORDINATE WITH L/NEA WITH RESPECT TO BONDERMAN'S ACCESS TO OUR FILES.

5. ARCHARD PASSED THE SUBSTANCE OF REF A TO BONDERMAN ON APRIL 27 AND TO CAPTAIN SOON THEREAFTER. AT THEIR REQUEST, HE ALSO PHONED S.R. KARIM AT THE BANGLADESH EMBASSY TO DISCUSS THE CASE. ARCHARD ASKED KARIM IF HE COULD ASCERTAIN OFFICIALLY THAT CAPTAIN WOULD BE PERMITTED TO ENTER BANGLADESH. KARIM AGREED TO LOOK INTO THE MATTER, AND POINTED OUT THAT IT WOULD BE UNWISE FOR CAPTAIN PROCEED TO BANGLADESH WITHOUT CONFIRMATION BY THE BANGLADESH EMBASSY. ARCHARD SUBSEQUENTLY PHONED CAPTAIN TO CAUTION HIM AGAINST TRAVELLING WITHOUT EMBASSY'S PRIOR CONFIRMATION. CAPTAIN SAID THAT HE HAD ALREADY RECEIVED HOME MINISTRY PERMISSION THROUGH THE CHAIRMAN OF THE INLAND WATER TRANSPORTATION AUTHORITY. HE NOTED THAT HE UNDERSTOOD ARCHARD'S ADVICE AGAINST TRAVELLING WITHOUT CONFIRMATION FROM THE BANGLADESH EMBASSY BUT DID NOT SAY IF HE WOULD HEED THIS ADVICE. HE SAID HE HOPED HE WOULD BE ABLE TO TRAVEL TO DACCA IN A COUPLE OF WEEKS. HE HAS BEEN ISSUED ANOTHER BANGLADESH VISA AT THE EMBASSY. VANCE

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